

REMARKS

Reconsideration and allowance are requested. Applicant appreciates the Interview courteously granted by Examiner Toan To to Meera Narasimhan on November 23, 2009.

The above amendment to the claim 2 simply repeats that the vehicle is "self-propelled" which is already a part of claim 2, line 1. No new matter has been added nor has any new issues been raised by the above amendment or by the present response.

The following reiterates the arguments presented during the Interview.

Claims 2, 3 and 4 are patentable under 35 U.S.C. 102(b) over Neider (U.S. Patent 6,857,643).

The claims of the present invention are not anticipated by Neider.

As defined in claim 2, Applicant's invention comprises self-propelled vehicles for performing support or service work on airplanes comprising a self-propelled vehicle 10 having a bottom 16, a set of wheels 20 movably disposed in a first position on the vehicle 10, a first distance between the bottom of the vehicle and a surface 14 on which the vehicle is supported, a second distance between the bottom 16 of the vehicle and the surface 14, the second distance formed by moving the set of wheels 20 to a second position 22 such that the vehicle is raised from the surface, wherein the second distance is substantially greater than the first distance.

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. *Lewmar Marine Inc. v Bariant Inc.*, 3 USPQ2d 1766, 1767-1768 (Fed. Cir. 1987). The absence from a prior art reference of any claimed element negates anticipation. *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986).

Neider is a trailer. The ordinary dictionary definition of the term "trailer" is "an unpowered vehicle pulled by a powered vehicle." That has nothing to do with "self-propelled" vehicles. The ordinary dictionary definition of the term "self-propelled" is something that is "propelled by its own motor or power." Thus, Neider's trailer cannot be a self-propelled vehicle. Neider expressly states in column 2, lines 22-29 that the trailer is a conventional trailer designed "to be towed by a truck or other vehicle". Thus, Neider does not describe, teach, suggest or inherently provide the claimed "self-propelled" vehicle and therefore cannot anticipate the claimed invention defined in claim 2.

Additionally, claim 2 provides that the second distance is substantially greater than the first distance of the vehicle from the bottom of the vehicle to the surface on which it is supported. Neider shows two pairs of wheels 50, 52, 54, 56 on two sides 18 and 20, respectively, of the trailer (see figures 1 and 2). Comparing Figures 2 and 6 of Neider it is apparent that the second distance (Figure 6) in which the trailer is in a squat down position is NOT substantially greater than the first distance (Figure 2) nor is the reverse true. Neider's second position is a squat down position and first position is an elevated one with the distance between the surface and the trailer bottom in the two positions NOT being substantially greater.

Neider relates to a trailer and not a self propelled vehicle. Nothing in Neider describes, teaches, or inherently provides the claimed features. Therefore Neider cannot anticipate the invention.

Claim 3 describes that the vehicle has movable wheels with the wheels moving to a second position when they are lowered "to extend under the bottom of the vehicle" (see, for example, Figure 3). The Examiner agreed during the Interview that Neider does not teach this feature. Neider requires that the wheels be attached to the sides of the trailer frame as pointed

out in column 2, lines 40-44 and 55-58. Neider requires the side attachment for the elevating assembly to work as taught in column 2, lines 52-68. Thus, Neider does not, and cannot, have the wheels extend under the bottom of the trailer, making claim 3 patentable under 35 U.S.C. 103(a).

A prior art reference anticipates the subject of a claim only when the reference discloses every feature of the claimed invention, either explicitly or inherently (*see Hazani v. Int'l Trade Comm'n*, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Neider does not disclose a self-propelled vehicle. On the contrary, Neider discloses a trailer which is intended for towing. This can be seen from the drawings and from column 1, lines 34-36. Moreover, column 2, lines 24-26 describe that the trailer should be provided with a hitch which is designed to be towed by a truck or another vehicle. This clearly demonstrates that Neider does not disclose a self-propelled vehicle.

Moreover, it is incorrect when the examiner states that Neider discloses a vehicle for performing support or service work on airplanes. There is absolutely no hint Neider for the use of the trailer in connection with airplanes. On the contrary, column 3, lines 23-25 describe that the trailer is normally used in the low position for facilitating loading of the cargo, horses, livestock, etc.

Neider relates to a trailer with a bottom and wheels which are movable between a first and a second position creating different distances from the surface on which the vehicle is supported and the bottom of the vehicle and a tow bar 14. Neider is a trailer which must be towed in the raised position. Neider is a simple trailer which has two positions, namely a low

position for loading and a high position for convenient transportation. However, Neider does not disclose a self-propelled vehicle.

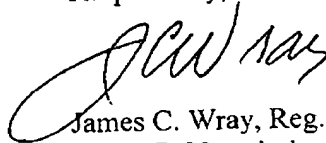
The vehicle disclosed by Neider does not provide solution to the problem addressed by the present invention. The present invention resolves the problem the self-propelled vehicle for performing support or service work on airplanes needs to be relatively low so that it can pass under the wings of an airplane. The same item goes for rescue vehicles that have to be able to pass through gates in buildings. However, the invention also solves the problem of moving the self-propelled vehicle over longer distances on different terrain. Therefore, the present invention provides that the self-propelled vehicle has a set of wheels which can be lowered in order to increase the distance from the bottom to the surface substantially. In this raised position, it will be possible to tow the vehicle as a trailer with high speed for greater distances.

Thus, since each and every limitation of Applicant's Claims 2, 3, and 4 are not disclosed in Neider, either expressly or through the principles of inherency, Claims 2, 3, and 4 are patentable under 35 U.S.C. § 102(b).

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



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